

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

21-05442 BKMFR01
BROCK & SCOTT, PLLC
302 Fellowship Rd, Suite 130
Mount Laurel, NJ 08054
(844) 856-6646
Attorneys for Freedom Mortgage Corporation

In Re:

CLARENCE R. BAIN, III



Order Filed on September 15, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 18-27284-ABA

Hearing Date: September 21, 2021

Judge: ANDREW B.
ALTENBURG, JR

Chapter: 13

Recommended Local Form

☐ Followed

☒ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**.

DATED: September 15, 2021



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

Applicant: Freedom Mortgage Corporation
Applicant's Counsel: Matthew Fissel, Esquire, Brock & Scott, PLLC
Debtor(s)' Counsel: Andrew Thomas Archer, Esquire
Property Involved ("Collateral"): 9 STEWART AVE, Delran, NJ 08075

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor(s)' future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 3 months, from June 2021 to August 2021.
☒ The Debtor is overdue for 3 payments at \$1,504.82 per month.
☐ The Debtor(s) is assessed for _____ late charges at \$ _____ per month.
☐ Applicant acknowledges receipt of funds in the amount of \$ _____ received after the motion was filed.
☒ There is currently \$488.68 being held in Debtor suspense.

Total Arrearages Due: \$4,025.78.

2. Debtor(s) must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$ _____. Payment shall be made no later than _____.
- ☒ Beginning on September 1, 2021, regular monthly mortgage payments in the amount of \$1,504.82 shall resume.
- ☒ Beginning on September 1, 2021, additional monthly cure payments shall be made in the amount of \$670.96 for 5 months and \$670.98 for 1 month.
- ☐ The amount of \$ _____ shall be capitalized in the debtor(s)' Chapter 13 plan. Debtor(s) shall file a Modified Plan within 15 days of entry of this Order.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular monthly payment:

Freedom Mortgage / Attn: Cash Processing,
10500 Kincaid Drive, Fishers, IN 46037

☒ Monthly cure payment:

Freedom Mortgage / Attn: Cash Processing,
10500 Kincaid Drive, Fishers, IN 46037

4. In the event of Default:

☒ If the Debtor fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Applicant may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ If the bankruptcy case is dismissed or converted, then this Agreement is void and the instant bankruptcy case will not act to impose the automatic stay against the Applicant's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$500.00, and costs of \$188.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

rev.8/1/15

In re:
Clarence R. Bain, III
Debtor

Case No. 18-27284-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Sep 15, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 17, 2021:

Recip ID	Recipient Name and Address
db	+ Clarence R. Bain, III, 9 Stewart Avenue, Delran, NJ 08075-1024

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 17, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 15, 2021 at the address(es) listed below:

Name	Email Address
Allison J. Kiffin	on behalf of Creditor Credit Union of New Jersey collections@peterliska.com
Andrew Thomas Archer	on behalf of Debtor Clarence R. Bain III aarcher@spillerarcherlaw.com, bankruptcy@brennerlawoffice.com;mcdoherty_187750@ecf.courtdrive.com;R64966@notify.bestcase.com
Denise E. Carlon	on behalf of Creditor Roundpoint Mortgage Servicing Corporation dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com
Kevin Gordon McDonald	

District/off: 0312-1

User: admin

Page 2 of 2

Date Rcvd: Sep 15, 2021

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor Roundpoint Mortgage Servicing Corporation kmcdonald@kmlawgroup.com bkgroup@kmlawgroup.com

Matthew K. Fissel

on behalf of Creditor FREEDOM MORTGAGE CORPORATION wbecf@brockandscott.com
matthew.fissel@brockandscott.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8